REMARKS/ARGUMENTS

Claims 1-16 are pending in this application. By this Amendment, Applicant amends claim 1.

Claims 1, 2, 4 and 7-14 were rejected under 35 U.S.C. § 102(a) as being anticipated by Toshiyuki (JP 2002-231512). Claims 1 and 3-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Doi et al. (JP 2002-015308). Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Toshiyuki or Doi et al. in view of Masuda et al. (U.S. 6,380,841). Applicant respectfully traverses these rejections.

Claim 1 has been amended to recite:

> "A variable resistor comprising:
> an insulating substrate having a substantially arch-shaped resistor provided on a surface thereof; and
> a sliding contact rotatably attached to the insulating substrate; wherein
> the sliding contact includes a body including a contact arm sliding over the resistor and a disk section for supporting the contact arm and a driver plate overlapping the body for being operated by a tool; and
>
> **a step disposed in a portion of the driver plate opposing a contact of the contact arm such that a gap between the portion of the driver plate having the step disposed therein and the contact arm is greater than a gap between a portion of the driver plate not having the step disposed therein and the contact arm.**" (emphasis added)

With the unique combination and arrangement of elements recited in Applicant's claim 1, including the feature of "a step disposed in a portion of the driver plate opposing a contact of the contact arm such that a gap between the portion of the driver plate having the step disposed therein and the contact arm is greater than a gap between a portion of the driver plate not having the step disposed therein and the contact arm," Applicant has been able to provide a variable resistor in which contact between a contact arm and a driver plate is prevented even if the height of a disk section of a sliding contact is reduced so as to reduce th height of the variable resistor.

(see, for example, the second full paragraph on page 2 of the originally filed specification).

The Examiner alleged that Toshiyuki teaches a substrate 1, contact 5, arm 9a, disk section 10, driver plate 6, and a step defined by a recess in 6 above 9, and that Doi et al. teaches a substrate 1, contact 6, arm 6d, disk 6c, driver plate 6a, and a step that is defined by recess in 6.

However, as seen in Figs. 5 and 8 of Toshiyuki, the driver plate 6 of Toshiyuki does **not** include any portion having a step disposed therein. Thus, Toshiyuki certainly fails to teach or suggest the feature of "a step disposed in a portion of the driver plate opposing a contact of the contact arm such that a gap between the portion of the driver plate having the step disposed therein and the contact arm is greater than a gap between a portion of the driver plate not having the step disposed therein and the contact arm" as recited in Applicant's claim 1.

Similarly, as seen in Fig. 5 of Doi et al., the driver plate 6a of Doi et al. does **not** include **any** portion having a step disposed therein. Thus, Doi et al. certainly fails to teach or suggest the feature of "a step disposed in a portion of the driver plate opposing a contact of the contact arm such that a gap between the portion of the driver plate having the step disposed therein and the contact arm is greater than a gap between a portion of the driver plate not having the step disposed therein and the contact arm" as recited in Applicant's claim 1.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(a) over Toshiyuki, and under 35 U.S.C. § 102(b) over Doi et al.

The Examiner has relied upon Masuda et al. to allegedly cure a deficiency of Toshiyuki and Doi et al. However, Masuda et al. fails to teach or suggest the feature of "a step disposed in a portion of the driver plate opposing a contact of the contact arm such that a gap between th portion of the driv r plate having the step disposed therein and the contact arm is greater than a gap between a portion of the driver plate not

having the step disposed therein and the contact arm," as recited in Applicant's claim 1.

Accordingly, Applicant respectfully submits that Toshiyuki, Doi et al. and Masuda et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claim 1.

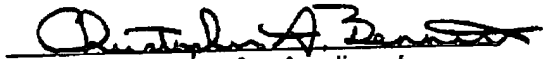
In view of the foregoing amendments and remarks, Applicant respectfully submits that Claim 1 is allowable. Claims 2-16 depend upon claim 1, and are therefore allowable for at least the reasons that claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: July 9, 2004



Attorneys for Applicant

Joseph R. Keating
Registration No. 37,368

Christopher A. Bennett
Registration No. 46,710

KEATING & BENNETT LLP
10400 Eaton Place, Suite 312
Fairfax, VA 22030
Telephone: (703) 385-5200
Facsimile: (703) 385-5080